

Georgia State Board of Funeral Service
Minutes
October 10, 2006

These minutes were approved on November 14, 2006.

The Georgia State Board of Funeral Service held a Public Hearing on October 10, 2006 at 237 Coliseum Drive, Macon, GA. David Roach, Vice-Chairman, called the meeting to order at 9:35 a.m.

The purpose of the Public Hearing is to provide the public an opportunity to comment on the proposed rule amendment to Board Rule 250-6-.06, Funeral Establishment Inspection Fines. Written comments were received from the Independent Funeral Directors of Georgia. Thomas Cuffie and Greg Levett, Sr. made verbal comments on behalf of the Georgia Funeral Service Practitioners Association.

Floyd Griffin commented on the addition of subparagraph (r) of the amendment. Bryant Hightower of Georgia Independent Funeral Directors asked for clarification of the addition of subparagraph (r). Ronald Nixon addressed the subparagraph (r) and also the inspection hours. Ronnie Miley asked for clarification also of the subparagraph (r). Willie Mays addressed the Board concerning specifics of subparagraph (r) and concerning the hours of inspection. He also requested a copy of the minutes of the meeting where the original Rule 250-6-.06 was adopted. Frank Sherman addressed the rule amendment. Virginia Hill also addressed the Board. Reagan Dean, Assistant Attorney General, explained the proposed rule amendment to the hearing audience.

After all comments were received, the hearing was officially adjourned, and the Board meeting was called to order by David Roach, Vice-Chair.

A quorum was established with members present being: David Roach, Vice Chairman, Lauren McDonald, Board Member, Terry Daviston, Board Member, Nancy Kennedy, Board Member, Linda Ware, Board Member, and Thelon Hamby, Cognizant Member. Draper Watson, Chairman, joined the meeting at 12:30 p.m.

Others present were as follows: Steve Lindsey, Executive Director, Jo Ann Lyde, Application Specialist, Valencier Brown, Board Secretary, John Massey, Inspector, Howard Fields, Inspector, and Reagan Dean, Assistant Attorney General.

Approval of Rule Amendment to Rule 250-6-.06

Mr. Hamby moved to adopt the amendment to Rule 250-6-.06. Mr. Daviston seconded the motion. Mr. Hamby discussed the merits of the amendments to the rule, while accepting that the amendments may not be perfect. He stated his intention to continue to work on the imperfections of the rule. Ms. Ware discussed the procedure for placing identification of a deceased body, stating that her opinion is that the identification should be placed prior to viewing. Ms. Ware further stated that she feels that the fine for this inspection violation is too high.

Mr. Daviston thanked the audience for coming to the hearing and submitting comments. Mr. Roach addressed subparagraph (r). He committed to address further clarification of the procedure.

The vote was taken, with Mr. McDonald voting in favor of the amendment. Mr. Daviston, Mrs. Kennedy, Ms. Ware, and Mr. Hamby voted against the amendment. The motion failed.

Approval of Minutes

Mr. Hamby motioned to approve the September 12, 2006 meeting minutes. Ms. Ware seconded. Motion carried.

Executive Session:

Mr. Hamby made a motion to enter into Executive Session to deliberate on applications and complaints, to hear reports from investigators and inspectors on assignments, and to hear the Attorney General report. Ms. Kennedy seconded the motion. Ms. Ware, Mr. Roach, Mr. McDonald and Mr. Daviston carried the motion unanimously.

Applications:

Jo Ann Lyde, Application Specialist, presented applications to the Board.

Inspector Report:

Mr. John Massey and Mr. Howard Fields, inspectors, presented the Inspector's Report to the Board.

Investigative Report:

The investigative report was presented to the Board by Willie Hollingshed, Enforcement Supervisor.

Open Session:

Mr. Roach declared Open Session.

Mr. Hamby motioned to approve Willie T. Edmondson as the supervising embalmer of Roscoe Jenkins Funeral Home in Newnan, GA for Linette Carol Ward and for Brandia Copeland at Lakes Dunson Roberson Funeral Home in LaGrange, GA. Ms. Ware seconded the motion. Motion carried.

Mr. Hamby motioned to approve Charles Newman as Funeral Director in Full and Continuous Charge of Poteet Funeral Home in Augusta, GA. Ms. Ware seconded the motion. Motion carried.

Mr. McDonald motioned to Table the application of Rogers Bentley as Funeral Director in Full and Continuous Charge of Bentley Funeral Home in Roberta, GA until he completes the required Law & Rules Exam and completes the reinstatement process of his license. Ms. Kennedy seconded. Motion carried.

Mr. Hamby and Reagan Dean met with Calvin Bentley concerning his appeal of an inspection citation. Mr. Hamby will report to the Board on the issue at the next meeting.

Mr. Roach motioned to uphold the inspection fine issued to Lofton McDougald Funeral Home in Butler, GA. Ms. Kennedy seconded the motion. Motion carried.

Mr. Roach motioned to send FUN070033 to the Attorney General for a Consent Order with \$250.00 fine on the Funeral Director in Full and Continuous Charge for failure to notify the Board of a change in the license status of the establishment as prescribed in Board Rule 250-6-.02. Ms. Kennedy seconded the motion. Motion carried with Mr. McDonald voting against.

Robert Ferguson and Lossie Glover of Ferguson Brothers Funeral Home in Rochelle, GA did not appear before the Board as scheduled.

Mr. Roach motioned to table the application of Rochelle Williams for Reciprocity from Kentucky for 60 days for further review. Ms. Williams was represented by Thomas Cuffie, Attorney, and Greg Levett, Owner of Levett Funeral Home, Inc. Motion seconded by Mr. McDonald. Motion carried.

Mr. McDonald motioned to approve Charles Caldwell as Funeral Director in Full and Continuous Charge of Carmichael-Hemperley Funeral Home in East Point, GA. Ms. Ware seconded. Motion carried. Mr. Hamby recused himself from the discussion and abstained from the vote.

Mr. McDonald motioned to approve Northeast Georgia Crematory in Jefferson, GA as a new establishment with George Ray as the Funeral Director in Full and Continuous Charge. Mr. Daviston seconded. Motion carried.

Mr. Hamby motioned to approve Divine Mortuary, Inc. in Lithonia, GA as a new establishment with Regina McDonald as the Funeral Director in Full and Continuous Charge. Mr. Daviston seconded. Motion carried.

Mr. Hamby motioned to approve the name change of Tante Funeral Home in Buena Vista, GA to Tante Funeral Home, LLC. Ms. Ware seconded. Motion carried.

The Respondent of FUN060150 cancelled the investigative interview.

Inspector Report:

FUN070005

Mr. Hamby motioned to close this case with a letter of concern to be sent to the Funeral Director in Full and Continuous Charge for the delay in filing death certificates. Mr. McDonald seconded. Motion carried.

FUN070006

Mr. Hamby motioned to close this case with a letter of concern. Mr. Daviston seconded. Motion carried.

FUN070007

Mr. Hamby motioned to close this case. Mr. McDonald seconded. Motion carried.

FUN070015

Mr. Hamby motioned to send this case to the Attorney General for a Consent Order with a \$500.00 fine on the establishment for violation of Rule 250-6-.06 (p) and \$500.00 fine for the Funeral Director in Full and Continuous Charge for aiding and abetting in unlicensed practice, probation for 12 months, and issue a Cease and Desist Order to the unlicensed person.

Mr. Massey reported on FEST00270 with a Funeral Director in Full and Continuous Charge who is unable to carry out responsibilities. Mr. Hamby motioned to send a letter of concern to the establishment that the Funeral Director in Full and Continuous Charge may not be able to carry out his duties as FDFCC. The letter will further request documentation that he is capable, or advise the establishment to consider hiring someone else to be the Funeral Director in Full and Continuous Charge. Mr. Roach seconded. Motion carried.

Investigation Report:**FUN060166 and FUN060168**

These are companion cases. Mr. Hamby motioned to request the complainant to appear for an investigative interview. Mr. Roach seconded. Motion carried.

FUN070004

Mr. Hamby motioned to obtain a breakdown of charges from the Funeral Director in Full and Continuous Charge and a copy of the bill and contract with the other funeral home. Mr. Roach seconded the motion. Motion carried.

Attorney General Report:

Assistant Attorney General, Reagan Dean presented Consent Orders on Dent's Undertaking Establishment and Thomasina Ketch. Mr. Hamby motioned to accept the Consent Orders. Mr. Roach seconded. Motion carried.

Mr. Dean reported that the respondent in case FUN070027 has not submitted a Voluntary Surrender of his funeral director and embalmer licenses as requested. Mr. Roach motioned to request the Attorney General issue a Summary Suspension and proceed with revocation. Mr. Hamby seconded. Motion carried.

Applications:

Mr. Roach moved to approve all applications issued since the last Board meeting. Ms. Ware seconded the motion. Motion carried. All issued license are listed as follows:

Apprentice:

<u>Name</u>	<u>License Number</u>
Jesus Angel Garcia	FSA004689
Blake Matthew Monroe	FSA004690
Alonzo Lenor Howell	FSA004691
LaTonia Cloud Bryant	FSA004692
Derrick Bernard Lockett	FSA004693
Brian Scott Todack	FSA004694

Embalmer

Jeffrey Scott Wilkinson	EMB004482
Dong-Hee Kim	EMB004483
Amanda Ray Henderson	EMB004484
Edward Mosely	EMB004485
Rachelle L Dennis-Smith	EMB004486
James E. Lowe	EMB004487
Jerry G. Brinkley	EMB004488

Funeral Director

Jeffrey Scott Wilkinson	FD004893
Dong-Hee Kim	FD004894
Amanda Ray Henderson	FD004895
Edward Mosely	FD004896
Rachelle L. Dennis-Smith	FD004897
James E. Lowe	FD004898
Jerry G. Brinkley	FD004899

Mr. Roach motioned to approve the recommendations on the following applications presented and discussed in Executive Session. Ms. Ware seconded the motion. Motion carried.

The Board denied the applications for apprenticeship for Ira R. Dennis-Wilborn, Melvin Lee McCall, and Frank Griffin.

The Board approved the applications for reinstatement of Embalmer and Funeral Director licenses for Rodney Turner and Latonia Rucker.

The Board tabled the application for BJ until the November 14 meeting for further information.

Continuing Education:

Mr. Daviston motioned to approve Practicum Strategies for ten credit hours for OSHA for Small Business and six credit hours for Living with the FTC's Funeral Rule. Mr. McDonald seconded the motion. Motion carried.

Mr. Daviston motioned to approve Funeral Review.Com, LLC for one credit hour for Hazard Communications. Mr. McDonald seconded. Motion carried.

Other Business:

The Board discussed having a Work Session on Proposed Board Rules and Legislation. October 23, 2006 was agreed upon by the Board for the Work Session.

Adjournment:

There being no other business, the meeting was adjourned at 4:00 p.m.

